

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

SHAWN MICHAEL SUMMERS,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00134

SOUTH CENTRAL REGIONAL JAIL,

Defendant.

ORDER

Pending before the Court is Plaintiff Shawn Michael Summers's ("Plaintiff") Complaint, (ECF No. 1), and Application to Proceed Without Prepayment of Fees and Costs, (ECF No. 3). By Standing Order entered on January 4, 2016, and filed in this case on February 19, 2020, (ECF No. 4), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley entered his PF&R on September 24, 2021, recommending that Plaintiff's Application to Proceed Without Prepayment of Fees and Costs be denied and Plaintiff's Complaint be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for failure to state a claim upon which relief may be granted and pursuant to 28 U.S.C. § 1915(e)(2)(B)(iii) because it seeks monetary relief against a defendant that is immune from such relief. (ECF No. 9 at 3-4.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the PF&R to which no objections

are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).


Objections to the PF&R in this case were due on October 12, 2021. (ECF No. 9.) To date, Plaintiff has failed to submit any objection in response to the PF&R, thus constituting a waiver of *de novo* review and Plaintiff's right to appeal this Court's order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 9), and **DISMISSES** this action **WITHOUT PREJUDICE**. The Court further **DIRECTS** the Clerk to remove this matter from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 15, 2021



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE